

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TODRICK MORRIS

Plaintiff

v.

JOSHUA ALTENBAUMER, ET AL.

Defendants.

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No. 5:21-cv-00017-RWS-CMC

ORDER

Plaintiff Todrick Morris, proceeding pro se, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was ordered to pay an initial partial filing fee of \$3.00, in accordance with 28 U.S.C. §1915(b). Docket No. 3. A signed acknowledgment card shows he received this order on March 12, 2021. Docket No. 4. When he did not comply, the Magistrate Judge issued a Report (Docket No. 5) recommending dismissal of the lawsuit for failure to prosecute or to obey an order of the Court. FED. R. CIV. P. 41(b).

Plaintiff filed objections asserting that despite the acknowledgment card, he did not receive the order. Docket No. 6. He stated he is in restrictive housing and has had a problem with his legal mail while confined at the Coffield Unit. Although the Magistrate Judge's Report put Plaintiff on notice that a \$3.00 initial partial filing fee was required and Plaintiff received this Report on May 12, 2021, to date he has not complied with the order or shown good cause for his failure to do so.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. § 636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified

proposed findings or recommendations to which objection is made.”). Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge (Docket No. 5) is correct and the Plaintiff’s objections are without merit. It is accordingly

ORDERED that the Plaintiff’s objections are overruled and the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. Because the incidents forming the basis of the lawsuit allegedly began in April of 2020, raising the possibility that a dismissal without prejudice could operate as a dismissal with prejudice because of the operation of the statute of limitations, it is further

ORDERED that the statute of limitations on Plaintiff’s claims is **SUSPENDED** for a period of **sixty (60) days** following the date of entry of final judgment. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED.**

So ORDERED and SIGNED this 2nd day of March, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE